HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.18066 OF 1995

Dated 26-09-2006

Between:

1. Shaik Goremiya, son of Shaik Saieb Hussain, Muslim, aged about 35 years, working as Watchman in Girijan Coop.Corporation Ltd., Visakhapatnam Unit, resident of Venkatapuram village & Mandal, Khammam District and another.

Petitioners.

And:

1. The Vice-Chairman & Managing Director, Girijan Cooperative Corporation Ltd., Opp: V.D.A. Park, Visakhapatnam and others.

Respondents.

ORDER:

This writ petition has been filed by the petitioners seeking to declare the action of the 1st respondent-The Vice-Chairman & Managing Director, Girijan Cooperative Corporation Ltd., retrenching the services of the petitioners by proceedings Rc.No.981/90/AID dated 14-7-1995 as illegal, arbitrary, unjust and contrary to law and in violation of Section 25-N of the I.D. Act, 1947 and against the principles of natural justice.

The learned counsel for the 1st respondent filed an additional Counter stating that the 2nd petitioner who was working as Night watchman in the 3rd respondent Division has stopped attending his duties from 8-12-2004 without any intimation either to the 3rd respondent or to other respondents. It is further stated in the additional counter that the 3rd respondent has got verified with regard to the whereabouts of the 2nd petitioner and came to know that the 2nd petitioner has left to his native place in Nepal.

In view of the aforesaid fact that the 2nd petitioner has left to his

native place in Nepal, no relief can be granted in so far as the 2nd petitioner is concerned. Hence, the writ petition in so far as the 2nd petitioner is concerned , the same is liable to be dismissed.

In so far as 1st petitioner is concerned, it is stated that similar orders have been questioned by several others in Writ Petition Nos.15670 of 1994 and 16616 of 1995 and that this Court having regard to the facts and circumstances of the case directed the respondents to consider the cases of similarly situated persons and there was an interim order directing the respondents to reinstate the petitioner on daily wages until further orders by an order dated 21.8.1995.

Following the unreported decision of this Court in W.P.No.15670 of 1994 and 16616 of 1995, in so far as the case of the 1st petitioner is concerned, this writ petition is disposed of directing the respondents to consider the case of the 1st petitioner for regularization of his services in terms of G.O.Ms.No.212 dated 22-4-1994 by taking into consideration the services of the 1st petitioner who has been continuing pursuant to the interim direction granted by this Court on 21.8.1995 during the pendency of this writ petition and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. However, the writ petition is dismissed in so far as the 2nd petitioner is concerned.

It is made clear that the status quo obtained as on today in so far as the services of the 1st petitioner is concerned shall be maintained till his case is considered in terms of G.O.Ms.No.212 dated 22-4-1994. No order as to the costs.

Justice V.ESWARAIAH

Dated 26th September, 2006

Dvs

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